



COMMONWEALTH of VIRGINIA

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DEPARTMENT OF ENVIRONMENTAL QUALITY

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**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
ELECTROPLATE-RITE CORPORATION
FOR
ELECTROPLATE-RITE CORP.'S DUBLIN, VA FACILITY
Registration No. 20267**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Electroplate-Rite Corporation regarding Electroplate-Rite Corporation's Dublin, Virginia facility, for the purpose of resolving certain violations of the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Roanoke, Virginia.
3. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. "Electroplate-Rite" means Electroplate-Rite Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Electroplate-Rite is a "person" within the meaning of Va. Code § 10.1-1300.
7. "Facility" means the Electroplate-Rite facility located at 5529 Lee Highway, Dublin, Virginia.
8. "FCE" means a Full Compliance Evaluation by DEQ staff.
9. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
10. "O&M" means operations and maintenance.
11. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
12. "Va. Code" means the Code of Virginia (1950), as amended.
13. "VAC" means the Virginia Administrative Code.
14. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Electroplate-Rite owns and operates the Facility in Dublin, Virginia. The Facility is an electroplating facility that specializes in different types of metal finishing which includes standard zinc, chrome, nickel, copper, brass, tin and silver plating operations.
2. The Facility is subject to the requirements of 40 CFR Part 63 Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks and 40 CFR Part 63 Subpart 6W - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
3. On August 29, 2014, Department staff conducted a FCE at the Facility for compliance with the requirements of Subpart N and Subpart 6W. Based on the evaluation and follow-up information, Department staff made the following observations:

- a. The Facility operates one chromium electroplating tank subject to Subpart N and considers the process to be decorative chromium electroplating. A wetting agent/fume suppressant is used to limit the surface tension of the bath to 45 dynes per centimeter or less, during operation of the tank. Facility staff stated that the surface tension was measured once every 40 hours of tank operation as permitted by Subpart N. However, based upon the record review, operating records which included the hours of operation were not maintained and surface tension monitoring was not conducted as required.
 - i. 40 CFR 63.343(c)(5)(B) requires that: Once there are no exceedances during 40 hours of tank operations, surface tension measurement may be conducted once every 40 hours of tank operation on an ongoing basis, until an exceedance occurs. The minimum frequency of monitoring allowed by this subpart is once every 40 hours of tank operation.
 - ii. 40 CFR 63.346(b)(8) requires that: The owner or operator of an affected source subject to the provisions of this subpart shall maintain the following records for such source: Records of monitoring data required by §63.343(c) that are used to demonstrate compliance with the standard including the date and time the data are collected.
- b. The Facility was unable to provide records of the date, time and amount of fume suppressants that were added to the chromium electroplating bath.
 - i. 40 CFR 63.346(b)(13) requires that: The owner or operator of an affected source subject to the provisions of this subpart shall maintain the following records for such source: For sources using fume suppressants to comply with the standards, records of the date and time that fume suppressants are added to the electroplating bath and the amount of fume suppressant added during each maintenance addition.
- c. The Facility was unable to provide the following additional records required by Subpart N: Operation and Maintenance Plan, annual Ongoing Compliance Status Reports and records to document that the applicable housekeeping procedures have been implemented.
 - i. 40 CFR 63.342(f)(3) requires that: The owner or operator of an affected source subject to the work practices of paragraph (f) of this section shall prepare an operation and maintenance plan to be implemented no later than the compliance date.

- ii. 40 CFR 63.347(h) requires that: The owner or operator of an affected source that is located at an area source shall prepare a summary report to document the ongoing compliance status of the source. The report shall include the information identified in paragraph (g)(3) of this section, shall be completed annually and retained on site, and made available to the Administrator upon request.
 - iii. 40 CFR 63.343(a)(8) requires that: After March 19, 2013, the owner or operator of an affected source that is subject to the standards in paragraphs §63.342(c) or (d) shall implement the housekeeping procedures specified in Table 2 of §63.342.
- d. The Facility operates (1) 750 gallon electrolytic nickel tank on E Line. A wetting agent/fume suppressant (Crystal Air Wetter) is used to comply with Subpart 6W and is a separate purchased ingredient from the other tank additives. The Facility was unable to provide records of the amount and frequency of wetting agent additions.
 - i. 40 CFR 63.11508(d)(3)(ii) requires that: For tanks where the wetting agent/fume suppressant is a separate purchased ingredient from the other tank additives, you must demonstrate continuous compliance according to paragraphs (d)(3)(ii)(A) and (B) of this section.
 - (A) You must add wetting agent/fume suppressant in proportion to the other bath chemistry ingredients that are added to replenish the tank bath, as in the original make-up of the tank; or in proportion such that the bath is brought back to the original make-up of the tank.
 - (B) You must record each addition of wetting agent /fume suppressant to the tank bath.
- e. The Facility operates (1) 240 gallon electrolytic nickel tank on E Line and (1) 100 gallon nickel strike tank on G Line. The nickel strike tank is considered an electrolytic process tank. Based upon the FCE, a compliance method was not utilized for these two tanks as required by Subpart 6W.
 - i. 40 CFR 63.11507(a) requires that: If you own or operate an affected new or existing non-cyanide electroplating, electroforming or electropolishing tank (hereafter referred to an “electrolytic” process tank), you must comply with the requirements in paragraphs (a)(1)(2) or (3) of this section and

- implement the applicable management practices in paragraph (g) of this section, as practicable.
 - ii. You must use a wetting agent/fume suppressant in the bath of the affected tank according to paragraphs (a)(1)(i) through (iii) of this section
 - iii. You must capture and exhaust emissions from the affected tank to any one of the following emission control devices: composite mesh pad, packed bed scrubber or mesh pad mist eliminator according to paragraphs (a)(2)(i) and (ii) of this section.
 - iv. You must cover the tank surface according to paragraph (a)(3)(i) or (ii) of this section.
- f. The Facility operates non-electrolytic process tanks that are subject to Subpart 6W. The tanks include (1) electroless nickel tank, (2) nickel acetate sealing tanks and (10) chrome conversion coating tanks ranging from 55 gallons to 1330 gallons. The compliance method utilized for these tanks are the applicable management practices. The Facility was unable to provide records to document that the applicable management practices have been implemented.
- i. 40 CFR 63.11509(e) requires that: You must keep the records specified in paragraphs (e)(1) through (3) of this section: (3) The records required to show continuous compliance with each management practice and equipment standard that applies to you, as specified in §63.11508(d).
- g. The Facility was unable to provide records of the Subpart 6W annual compliance certification reports.
- i. 40 CFR 63.11509(c) requires that: If you own or operate an affected source, you must prepare an annual compliance of certification report according to paragraphs (c)(1) through (7) of this section...(7) Each annual compliance report must be prepared no later than January 31 of the year immediately following the reporting period and kept in a readily accessible location for inspector review.
4. On September 24, 2014, based on the evaluation and follow-up information, the Department issued Notice of Violation No. AWCRO #9044 to the Electroplate-Rite for the violations described in paragraphs C(3) above.

5. On October 23, 2014, Department staff met with a representative of Electroplate-Rite to discuss the violations. During the meeting, staff determined that the Facility performs both hard and decorative chromium electroplating operations.
6. Based on the results of the August 29, 2014 FCE and October 23, 2014, meeting, the Board concludes that Electroplate-Rite has violated requirements set forth in 40 CFR Part 63 Subpart N and 40 CFR Part 63 Subpart 6W as described in paragraph C(3) above.
7. DEQ staff inspected the Facility on January 22, 2015, and verified that the violations described in paragraphs C(3a), C(3b) and C(3f), have been corrected.
8. In order for Electroplate-Rite Corporation to return to compliance, DEQ staff and representatives of Electroplate-Rite Corporation have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Electroplate-Rite Corporation and Electroplate-Rite Corporation agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$6006.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Electroplate-Rite shall include its Federal Employer Identification Number (FEIN) (54-1007573) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Electroplate-Rite shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Electroplate Rite for good cause shown by Electroplate-Rite or on its own motion pursuant to the

Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. AWCRO 9044 dated September 24, 2014. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Electroplate-Rite admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Electroplate-Rite consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Electroplate-Rite declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Electroplate-Rite to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Electroplate-Rite shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Electroplate-Rite shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Electroplate-Rite shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may

delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Electroplate-Rite. Nevertheless, agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Electroplate-Rite has completed all of the requirements of the Order;
 - b. Electroplate-Rite petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Electroplate-Rite.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Electroplate-Rite from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Electroplate-Rite and approved by the Department pursuant to this Order are

incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.


13. The undersigned representative of Electroplate-Rite certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Electroplate-Rite to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Electroplate-Rite.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Electroplate-Rite voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 16th day of April, 2015.



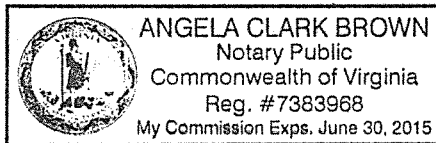
Robert J. Weld, Regional Director
Department of Environmental Quality


Electroplate-Rite voluntarily agrees to the issuance of this Order.

Date: 4-14-15 By:  PRESIDENT
Keith Dickerson President
Electroplate-Rite Corporation

Commonwealth of Virginia
City/County of Pulaski

The foregoing document was signed and acknowledged before me this 14th day of April, 2015, by Keith Dickerson who is President of Electroplate-Rite Corporation, on behalf of the corporation.




Notary Public
7383968
Registration No.

My commission expires, this 30th day of June, 2015.
I was commissioned a notary public as
Angela Clark Edmonds.

My commission expires: 06/30/2015

Notary seal:

APPENDIX A SCHEDULE OF COMPLIANCE

1. Within 90 days of the execution of this Order, Electroplate-Rite shall conduct a stack test to demonstrate compliance with the applicable emission limitation for a small hard chrome electroplating tank. A stack test protocol shall be submitted to the Department for review at least 30 days prior to testing. One copy of the test results shall be submitted within 45 days after completion of the testing.
2. Within 90 days of the execution of this Order, Electroplate-Rite shall submit the Operation and Maintenance Plan for the scrubber controlling emissions from the chrome electroplating tank.
3. Within 60 days of the execution of this Order, Electroplate-Rite shall submit the annual Subpart N Ongoing Compliance Status Report for calendar year 2014.
4. Within 60 days of the execution of this Order, Electroplate-Rite shall submit the annual Subpart 6W Compliance Certification for calendar year 2014.
5. Within 60 days of the execution of this Order, Electroplate-Rite shall submit documentation to demonstrate that the applicable housekeeping procedures outlined in Subpart N have been implemented.
6. Within 60 days of the execution of this Order, Electroplate-Rite shall submit a Site Specific Monitoring Plan for the following tanks subject to Subpart 6W:
 - a. 750 gallon Bright Nickel Tank
 - b. 240 gallon Dull Nickel Tank
 - c. 100 gallon Nickel Strike Tank

The plan shall include the compliance method for each tank (i.e. wetting agent, fume suppressant), operating parameter to be monitored and frequency of monitoring to be conducted.

1. Certification of Documents and Reports

In accordance with 9 VAC 5-20-230(A), in all documents or reports, including, without limitation, the SEP Completion Report, submitted to DEQ pursuant to this Consent Order, Electroplate-Rite, shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fine and imprisonment for knowing violations.”

2. **DEQ Contact**

Unless otherwise specified in this Order, Electroplate-Rite shall submit all requirements of Appendix A of this Order to:

Frank Adams
Air Compliance Manager
VA DEQ BRRO
3019 Peters Creek Rd.
Roanoke, VA 24019
E-mail: Frank.Adams@deq.virginia.gov